

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

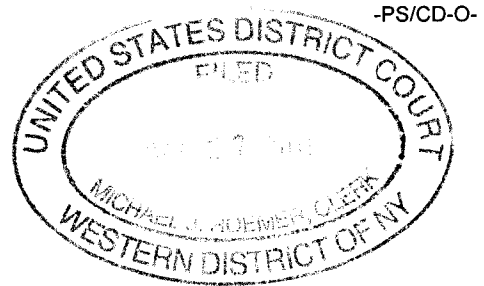
ANTHONY HENDERSON, 96B0722,

Petitioner,

-v-

ATTORNEY GENERAL OF THE STATE
OF NEW YORK,

Respondent.



DECISION AND ORDER
11-CV-6203P

On April 15, 2011, petitioner, Anthony Henderson, an inmate of a state correctional facility, filed a *pro se* petition under 28 U.S.C. § 2254 with respect to a judgment of conviction entered on March 13, 1996, in Erie County, New York. This is petitioner's second or successive petition with respect to the same judgment of conviction. Petitioner's previous § 2254 petition was filed in the Western District under civil number 09-CV-6110B.

According to 28 U.S.C. § 2244, before a district court may entertain a second or successive application for a writ of habeas corpus filed pursuant to § 2254, the petitioner must have first requested and obtained an order from the appropriate court of appeals which authorizes the filing of such a second or successive petition. The petition herein has not been so authorized. Therefore, in the interests of justice and pursuant to 28 U.S.C. § 1631, this petition shall be transferred to the Second Circuit

Court of Appeals for a determination of the authorization issue. See *Liriano v. United States of America*, 95 F.3d 119 (1996).

IT HEREBY IS ORDERED, that the petitioner's § 2254 petition is transferred to the Second Circuit Court of Appeals.

IT IS SO ORDERED.

A handwritten signature in cursive script, appearing to read "Richard J. Arcara", is written over a horizontal line.

HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated:

April 25, 2011